REMARKS

Claims 1-15 are pending in this application. Claims 1, 9, and 10 stand rejected. Applicant has added new claims 14 and 15. No new matter has been added. Applicant wishes to thank the Examiner for the indication of allowance of claims 2-8 and 11-13. In light of the remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Applicants acknowledge with appreciation the Examiner's indication of allowable subject matter in dependent claims 2-8 and 11-13. For the reasons set forth below, Applicants respectfully submit that claims 1, 9, and 10 are also patentable over the prior art of record, for the reasons discussed below.

Claims 1 and 9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,748,020 ("Eifrig"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

To anticipate a claim under 35 U.S.C. § 102, the cited reference must disclose every element of the claim, as arranged in the claim, and in sufficient detail to enable one skilled in the art to make and use the anticipated subject matter. See, PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 1566 (Fed. Cir. 1996); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir. 1998). A reference that does not expressly disclose all of the elements of a claimed invention cannot anticipate unless all of the undisclosed elements are inherently present in the reference. See, Continental Can Co. USA v. Monsanto Co., 942 F.2d 1264, 1268 (Fed. Cir. 1991).

Among the limitations of independent claims 1 and 9 not present in the cited reference is secondary storing means which store the numbers of said first data stored in said primary storing means or said a plurality of second data to be not processed.

The Office Action asserts that the secondary storage means are disclosed in Eifrig by elements 340, 342 and 344. However, these are not the secondary storing means recited in Applicant's claim. Further, the second storing means store the first data or second data to be not processed which elements 340, 342, and 344 cannot do.

The elements 340, 342, and 344 in Eifrig are audio delay unit which are used to delay an audio portion of the data services which are later recombined with the transcoded video. See col. 8, lns. 30-33. These audio delay units do not store the data recited in Applicant's claims.

In contrast, the claimed secondary storing means stores data of the non-video elementary data portion from the V-ES detecting section and information regarding the video elementary data portion corresponding with block types and in order of input. Thus, the audio delay units 340, 342, and 344 fail to disclose the secondary storing means explicitly recited in Applicant's claims 1 and 9. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1 and 9.

Claims 1 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,081,295 ("Adolph"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine references to arrive at the claimed subject matter. The prior art references must also teach or suggest all the limitations of the claim in question. See, M.P.E.P. § 706.02(j). A reference can only be used for what it clearly discloses or suggests. See, In re Hummer, 113 U.S.P.Q. 66 (C.C.P.A. 1957); In re Stencel, 4 U.S.P.Q.2d 1071, 1073 (Fed. Cir. 1987). Here, the references, whether taken individually or in combination, do not disclose or suggest the invention claimed by the Applicant.

The Office Action recognizes that Adolph does not teach the secondary storing means explicitly recited in Applicant's claim. As discussed above, the secondary storing means stores non-video elementary data from the V-ES detecting section and information regarding the video elementary data portion in an order of input. There is no suggestion in Adolph to modify the reference to include such a storage means. Additionally, the dividing means in Applicant's claim divides the inputted MPEG data into a first data block having a plurality of first data to be processed and a second data block having a plurality of second data to be not processed. This is not the function of the demultiplexer. The demultiplexer merely separates system data, audio data, and the video data. Thus, for these reasons, Adolph fails to disclose the explicitly recited invention.

Claim 10 depends from, and contains all the limitations of claim 9. This dependent claim also recites additional limitations which, in combination with the limitations of claim 9, are neither disclosed nor suggested by Eifrig and is also believed to be directed towards the patentable subject matter. Thus, claim 10 should also be allowed.

New claims 14 and 15 are allowable for at least the reasons discussed above.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: December 30, 2004

Respectfully submitted,

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